

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 10:00 A.M. Present: Honorable James F. Thaxter, Acting Presiding Justice; Honorable Thomas A. Harris, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Yolanda I. Grigsby, Deputy Clerk.

**F031483      Beberian v. St. Ives Laboratories, Inc.**

Cause called and argued by Lillian Beberian, appellant In Propria Persona and by M. Jacqueline Yates, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Tuesday, September 12, 2000 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Thomas A. Harris, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Diana Monopoli, Deputy Clerk.

**F033915      People v. Gomez**

Cause called and argued by Gabriel Cruz Vivas, Esq., counsel for appellant. Ann P. Wathen, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

**F032270      Basulto et al. v. Hovannisian et al.**

Cause called and argued by Michael J. Kanz, Esq., counsel for appellants and Carol S. Corey, Esq., counsel for respondents.

Cause ordered submitted.

**F031101      California Commercial Land Sales, Inc. v. Patriot Homes et al.**

Cause called and argued by D. Greg Durbin, Esq., counsel for appellant and by Robert K. Hillison, Esq., counsel for respondent.

Cause ordered submitted.

At this point Levy, J. leaves the bench and is replaced by Wiseman, J.

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**F028186      People v. Joiner et al.**

Cause called and argued by Sharon L. Rhodes, Esq., counsel for appellant David Lee Joiner and by Dennis A. Fischer, Esq., counsel for appellants Delbert Beames and Robin Beames and by Lea Ann Alcazar, Esq., Deputy Attorney General, counsel for respondent.

Submission deferred to September 22, 2000, to allow counsel to file simultaneous supplemental letter briefs regarding issue discussed in open court.

Court recessed until Friday, September 15, 2000 at 1:30 P.M.

**F034045      People v. Carrasco**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F032927      People v. Blissett**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F033677      People v. Taylor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F036098      Jose G. v. Superior Court, Kern County; Kern County Department of Human Services**

The petition for writ of extraordinary relief is denied.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F033548      People v. Almeida**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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**F033920      In re Christina A., a Minor**

The judgment is modified to stay the four-year term the court imposed on Christina's assault with a deadly weapon offense and to strike the stayed one-year term it imposed on the arming enhancement pertaining to her robbery offense. The juvenile court is directed to issue a new commitment order consistent with this opinion and to forward a certified copy to the appropriate authorities. As modified the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F034416      People v. Smith**  
**F036467      In Re Timothy Smith On Habeas**

On its own motion and after notice to the parties, the court orders the captioned matters consolidated for purposes of decision.

**F036099      Gretchen H. v. Superior Court, Kern County; Kern County Department of Human Services**

The petition for extraordinary writ is denied.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F032769      People v. Smith**

The judgment of conviction for kidnapping and the finding that appellant suffered a prior conviction in Kern County, California for violating section 451, subdivision (d), a serious felony within the meaning of section 667, subdivisions (a) and (c)-(j), and section 1170.12, are affirmed. The finding that appellant suffered a prior conviction of a serious felony in Volusia County, Florida is reversed, and the matter is remanded for further proceedings in accordance with this opinion.

By the Court.

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**F034270      In re Gabriel R., Jr., a Minor**

The appeal filed by the Kern County Department of Human Services is dismissed. Judgment is affirmed. Thaxter, J.

We concur: Vartabedian, Acting P.J., Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F035678      People v. Meyers**

No brief having been filed by appellant after notice duly given under rule 17(c) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F032722      People v. Keo**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F036043      Rhonda S. v. Superior Court of Kern County; Kern County Dept. of Human Services**

The petition for extraordinary writ is denied.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F035535      People v. Hamilton**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.